

### **REMARKS**

This responds to the Office Action mailed on October 31, 2006. Reconsideration is respectfully requested.

Claims 1, 9 and 12 - 18 are amended. Claims 1 - 18 remain pending in this application.

#### **Claims Objections**

Claim 9 was objected to due to informalities. It is believed that the amendment made herein to claim 9 obviates said objection.

#### **Submission of Formal Drawings**

Ten (10) sheets of formal drawings are submitted herewith. Each sheet is labeled as "REPLACEMENT SHEET." It is believed that the drawings are in compliance with 37 CFR 1.84. No amendments are made to the drawings.

#### **Information Disclosure Statement**

Applicant submitted an Information Disclosure Statement and a 1449 Form on August 3, 2006. Each document listed on the Form 1449 which was returned with the present Office Action was not initialed by the Examiner. Specifically, the Examiner did not initial the Form 1449 listing for U.S. Patent No. 6,618,740. Accordingly, Applicant respectfully requests that a copy of the 1449 Form be returned to Applicant's Representatives to indicate that the all of cited documents, including U.S. Patent No. 6,618,740, have been considered by the Examiner.

#### **§112 Rejection of the Claims**

Claims 13-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 13 has been amended to change "the scalar" to "the scale factor" to provide proper antecedent basis with claim 12. It is believed that the amendment made herein to claim 13 obviates said objection.

Claims 14 – 18 have been amended to replace the word “circuit” with “method” to properly depend from claim 12. It is believed that the amendment made herein to claims 14 – 18 obviates said objection.

Based on the above amendments to claims 13 – 18, Applicants believe that claims 13 – 18 are in condition for allowance.

§101 Rejection of the Claims

Claims 1-11 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 and 9 have been amended to recite a practical application for the claimed subject matter. Specifically, claim 1 has been amended to recite that the circuit is for calibrating a scalar in an adaptive equalizer during a training sequence, and that the scalar K is used during the training sequence to update the adaptive equalizer. Claim 9 has been similarly amended to recite that a computer system for calibrating a scalar in an adaptive equalizer during a training sequence, and that the scalar K is used during the training sequence to update the adaptive equalizer. Applicants submit that these are practical uses for the circuit of claims 1- 8 and the computer system of claims 9 – 11.

Allowable Subject Matter

Claims 12 and 14-18 were allowed.

Claim 13 was indicated to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112 set forth in the Office Action. Based on the above amendments to claims 13 – 18, Applicants believe that claims 13 – 18 are in condition for allowance.

Conclusion

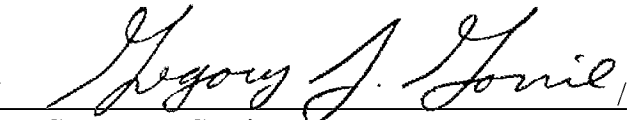
Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((480) 659-3314) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By /   
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